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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------------|------------------------|
| 10/773,709 | 02/06/2004 | Jihad A. Mustapha | 85196.85206-001 | 8292 |
| 7590 09/18/2007 Timothy A. Flory Van Dyke, Gardner, Linn & Burkhart LLP 2851 Charlevoix Drive, S.E., STE 207 P.O. Box 888695 Grand Rapids, MI 49588 | | | EXAMINER DAWSON, GLENN K | |
| | | | ART UNIT 3731 | PAPER NUMBER |
| | | | MAIL DATE 09/18/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/773,709

Applicant(s)

MUSTAPHA, JIHAD A.

Examiner

Glenn K. Dawson

Art Unit

3731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2007 and 28 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-23 is/are pending in the application.
- 4a) Of the above claim(s) 1,2,5,6,12-14 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,4,7-11,15-17 and 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 02-06-2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Election/Restrictions

Claims 1,2,5,6,12-14 and 18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 06-28-2007.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3,4 and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Lam-5607444.

Lam discloses in fig. 6 a method whereby a stent is placed such that its more expandable proximal end is placed in a primary vessel and the distal portion is placed in a secondary vessel. The stent is expanded by a balloon which has an ovoid distal portion used to expand the stent to support the secondary vessel and a rather toroidal proximal portion which expands more than the distal portion and expands the proximal portion of the stent to form a flange in the primary vessel. The struts 27 are longer than those of the rest of the knitted or braided stent.

Claims 3,4 and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Myler-5632762.

Myler discloses in fig. 7 and 8 a method whereby a stent is placed such that its more expandable proximal end is placed in a primary vessel and the distal portion is placed in a secondary vessel. The stent is expanded by a balloon which has an ovoid distal portion used to expand the stent to support the secondary vessel and a rather toroidal proximal portion which expands more than the distal portion and expands the proximal portion of the stent to form a flange in the primary vessel. The struts bent out to form the flange would be longer than the rest of the struts.

Claims 3,4,7,8,10,11,15-17 and 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Vardi, et al.-6210429 or Vardi, et al.-6325826

Both Vardi references disclose in fig. 6 a-g a method whereby a stent is placed such that its more expandable proximal end is placed in a primary vessel and the distal portion is placed in a secondary vessel. The stent is expanded by a balloon which has an ovoid distal portion used to expand the stent to support the secondary vessel and a rather toroidal proximal portion which expands more than the distal portion and expands the proximal portion of the stent to form a flange in the primary vessel.

Additionally, the same figures show a first step whereby a first stent is placed in an inlet portion and one outlet portion of a bifurcated vessel. The stent is expanded to support these vessel sections. Then a second stent is inserted into the second outlet portion through an aperture in the side wall of the first stent such that it supports the second vessel portion while its proximal end which is more expandable is expanded with a balloon having a more expandable portion in order to cause it to obtain a larger flange-like portion which expands and interlocks inside the first stent around the

periphery of the aperture. The flanges are struts longer than the struts making up the rest of the stent (each strut can be referred to as extending from one intersection with other struts to the next intersection with another strut).

Response to Arguments

Applicant's arguments with respect to all of the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3731

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn K. Dawson whose telephone number is 571-272-4694. The examiner can normally be reached on M-Th 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan T. Nguyen can be reached on 571-272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Glenn K Dawson
Primary Examiner
Art Unit 3731

Gkd
12 September 2007